

Committee Room,  
Austin, Texas, March 7, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 365 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, March 7, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 427 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

#### Bills Ordered Printed in Journal.

Committee Room,  
Austin, Texas, March 7, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to who was referred

S. B. No. 309.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

MOORE of Hunt, Chairman.

Committee Room,  
Austin, Texas, March 6, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 346,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FLOYD, Chairman.

#### FORTY-SECOND DAY.

Senate Chamber,  
Austin, Texas,  
Monday, March 9, 1925.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following senators answering to their names:

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Davis.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Murphy.	Witt.
Parnell.	Wood.
Parr.	Woodward.

Absent.

Miller.

Absent—Excused.

Bowers.

Fairchild.

Prayer by Dr. Jewett of Austin.  
Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

Excused.

Senator Miller was excused for today and tomorrow on account of important business on motion of Senator Smith.

Senator Bowers was excused for today on account of important business on motion of Senator Real.

Senator Fairchild was excused for today and tomorrow on account of important business on motion of Senator Floyd.

Porter Appointed.

The Chair announced the appointment of Robert Wells as porter to take place of one who had quit.

Simple Resolution No. 57.

By Senator Moore of Hunt:  
Whereas, Hon. Ed. Westbrook of Sherman, former State senator from the Fifth Texas District, is now in the city; therefore,

Be it Resolved, That he be allowed the privilege of the Senate and that he be invited to address the Senate.

Moore of Hunt, Moore of Cooke, Parr, Parnell.

The resolution was read and adopted.

Former Senator Westbrook was escorted to the President's stand, and being introduced by Senator Bledsoe, addressed the Senate briefly.

## Senate Bill No. 438.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

S. B. No. 438, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State and authorizing payment of said miscellaneous items on the taking effect of this Act, and declaring an emergency."

Senator Davis offered the following amendments, severally, which were read and adopted:

1. Amend S. B. No. 438, page 1010 of Senate Journal, by striking out the second item from the top of said page, and insert in lieu thereof the following language and amount:

"To pay Norman G. Kittrell for acting as special judge in Brazoria County, Texas, 1924, \$534.30."

Also by striking out the fourth item from the top of the same page of the Journal and insert in lieu thereof, the following:

"To pay Norman G. Kittrell for acting as special chief justice of the Supreme Court of Texas in case of Wiriz vs. W. O. W. \$240.00."

2. To pay Brazoria County for payment of taxes on State lands, 1923 and 1924, \$9,737.52.

3. To pay interest on public debt for 1926 \$135,091.00.

To pay interest on public debt for 1927 \$135,091.00.

4. Amend S. B. No. 438 by adding thereto a new item as follows:

To pay Brown Crummer Investment Company, now due as interest on coupons and fiscal agency fees in the matter of \$750,000.00 loan for the State Penitentiary System \$1,404.70.

5. Amend S. B. No. 438, by adding a new item as follows:

To pay passenger, freight, demurrer, charges, forage, light and power accrued against the Adjutant General's Department from 1918 to 1923. The amount to be disbursed by the Adjutant General, \$1,361.25.

6. Amend S. B. No. 438, by adding thereto a new item as follows:

To refund F. W. Kuhlman for unexpired term of emigrant license \$27.78.

7. Amend S. B. No. 438, page 1014, Senate Journal, by adding the following item:

To pay H. O. Dabney for services as special district judge, McLennan County, September, 1924, \$54.75.

Senator Murphy offered the following amendment:

Strike out of S. B. No. 438, page 1015, Senate Journal, the last item on that page as follows:

To pay the Americal National Bank, Austin, Texas, to reimburse said bank for money advanced for the construction of two buildings at the Agricultural and Mechanical College, said buildings having been authorized by the Acts of the Thirty-fourth Legislature, First Called Session, 1915, pages 104 to 105.....\$ 32,578.52

The amendment was read and adopted by the following vote:

Yeas—13.

Hardin of Kaufman	Russek.
Lewis.	Smith.
Moore of Hunt.	Stuart.
Moore of Cooke.	Triplett.
Murphy.	Ward.
Parnell.	Wirtz.
Parr.	

Nays—13.

Bailey.	Real.
Berkeley.	Reid.
Bledsoe.	Strong.
Davis.	Witt.
Floyd.	Wood.
Hardin of Erath.	Woodward.
Pollard.	

Absent.

Holbrook.	Price.
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Absent-Excused.

Bowers.	Miller.
Fairchild.	

The vote being a tie, the Chair, Lieutenant Governor Miller voted "aye" and declared the amendment adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 438 put on its third reading and final passage, by the following vote:

Yeas—24.

Bailey.	Davis.
Berkeley.	Floyd.
Bledsoe.	Hardin of Erath.

Hardin of Kaufman	Real.
Holbrook.	Reid.
Lewis.	Russek.
Moore of Hunt.	Smith.
Moore of Cooke.	Strong.
Murphy.	Ward.
Parnell.	Wirtz.
Parr.	Witt.
Pollard.	Wood.

Present—Not Voting.

Price.	Woodward.
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Absent.

Stuart.	Triplett.
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Absent—Excused.

Bowers.	Miller.
Fairchild.	

S. B. No. 438 was laid before the Senate, read third time and passed finally, by the following vote:

Yeas—24.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Davis.	Real.
Floyd.	Reid.
Hardin of Erath.	Russek.
Hardin of Kaufman	Smith.
Holbrook.	Strong.
Lewis.	Ward.
Moore of Cooke.	Wirtz.
Murphy.	Witt.
Parnell.	Wood.

Nays—1.

Moore of Hunt.

Present—Not Voting.

Woodward.

Absent.

Bowers.	Miller.
Fairchild.	

Absent—Excused.

Stuart.	Triplett.
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Simple Resolution No. 58.

By Senator Floyd:

Resolved, that each clerk in the Engrossing and Enrolling Committee be allowed a per diem of \$7.50 for the regular session of the Thirty-ninth Legislature.

The resolution was read and adopted.

# Senate Bill No. 331.

Senator Bailey asked unanimous consent to take up Senate Bill No. 331, and there was objection, and

Senator Bailey moved to take up, out of its order, S. B. No. 331, and the motion was adopted by a two-third vote:

The Chair laid before the Senate, on second reading,

S. B. No. 331, A bill to be entitled "An Act to fix and determine the fees to be charged by the clerks of the district courts in counties in this State having a population of less than 37,000, according to the U. S. census of 1920 for entering and recording judgments foreclosing liens on real estate in delinquent tax suits, repealing all laws in conflict herewith, and declaring an emergency."

Senator Bailey offered the following two amendments, which were read and adopted:

1. Amend S. B. No. 331, by inserting between the words "for" and "entering", in line 17, page 1, of the printed bill the words, "filing and docketing petitions, issuing citations and" and by striking out in line 19, page 1, of the printed bill the words entering judgments" and inserting in lieu thereof the words, "similar services."

2. Amend the caption to S. B. No. 331, by inserting between the words "for" and "entering", in line 10, page 1, of the printed bill the words, "filing and docketing petitions, issuing citations and".

The bill was read second time and passed to engrossment.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 331 put on its third reading and final passage, by the following vote:

Yeas—27.

Bailey.	Price.
Berkeley.	Real.
Bledsoe.	Reid.
Davis.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.
Parr.	

Absent.

Pollard.

Absent—Excused.

Bowers.

Miller.

Fairchild.

S. B. No. 331 was laid before the Senate, read third time and passed finally, by the following vote:

Yeas—26.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Davis.	Reid.
Hardin of Erath.	Russek.
Hardin of Kaufman.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Murphy.	Witt.
Parnell.	Wood.
Parr.	Woodward.

Nays—1.

Strong.

Absent.

Floyd.

Absent—Excused.

Bowers.

Miller.

Fairchild.

#### House Bill No. 100.

The Chair laid before the Senate, as special order for this hour, and on second reading,

H. B. No. 100, A bill to be entitled "An Act for the purpose of promoting the public school interests of rural schools and small towns, of aiding the people to provide adequate school facilities for the education of their children for the next two years, ending August 31, 1926, and August 31, 1927, respectively."

There was pending a substitute bill, and the question recurred on the substitute for the bill.

(President Pro Tem Wirtz in the Chair.)

#### Simple Resolution No. 59.

Whereas, the Hon. Claude B. Hudspeth, now a member of Congress, and for many years a member of this Honorable Body, is now in the City of Austin, therefore

Be it resolved, That he be invited to address the Senate, and that he be extended the privileges of the floor during his sojourn in this city.

BERKELEY.  
BLED SOE.

The resolution was read and adopted.

The Chair appointed Senators Berkeley, Bledsoe and Real to escort Congressman Hudspeth to the President's chair, and after being introduced by Senator Berkeley, addressed the Senate.

#### Recess.

On motion of Senator Wood, the Senate at 12:10 o'clock p. m. recessed until 2 o'clock today.

#### After Recess.

The Senate was called to order by Lieutenant Governor Miller.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, March 9, 1925.

Hon. Barry Miller, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 532, A bill to be entitled "An Act to authorize water improvement districts or conservation and reclamation districts which are or may be operated under contract with the United States Government or any department thereof, to acquire, construct, operate, lease or otherwise control, use or employ steam and water power facilities and plants for the generation, distribution and supply of electrical energy; giving them authority to incur indebtedness for the accomplishment of such purposes and authorizing the issuance of bonds therefor, subject to the regulations, terms, conditions and provisions of Chapter 87, General Laws Thirty-fifth Legislature, Regular Session, relating to issuance and sale of bonds, and of the acts amendatory thereof and supplementary thereto; authorizing such districts to contract with districts organized under the laws of other States; authorizing the joint acquisition, operation and control of such plants and facilities by such districts; authorizing contracts between said districts to accomplish the purposes authorized by this Act;

requiring ratification of such contracts by the legally qualified voters of such districts, and prescribing the method of entering into such contracts; authorizing such districts to sell or lease power to municipal and other corporations, firms or individuals; authorizing the establishment of a joint office for two or more such districts and the employment of a general manager, and declaring an emergency."

H. B. No. 576, A bill to be entitled "An Act to amend Article 7235 of the Revised Civil Statutes of 1911, as amended from time to time, and amended by Chapter 97, of the General Laws of the Regular Session of the Thirty-eighth Legislature, so as to include San Augustine and Sabine Counties within the provisions of said article, which relates to stock law elections, and declaring an emergency."

H. B. N. 504, A bill to be entitled "An Act creating and incorporating the Newcastle Independent School District lying in Young County in the State of Texas; defining the boundaries thereof; providing for a board of trustees thereof; placing said independent district under the control of the General Laws governing independent districts; providing that no outstanding indebtedness of the Newcastle Independent District be invalidated, and declaring an emergency."

H. B. No. 516, A bill to be entitled "An Act creating the Motley Independent School District of Rusk County; defining its boundaries; vesting it with rights, powers, duties and privileges of districts incorporated for school purposes only under the General Laws; providing for a board of trustees therefor, and declaring an emergency."

H. B. No. 517, A bill to be entitled "An Act creating the Sulphur Springs Independent School District of Rusk County; defining its boundaries; vesting it with rights, powers, duties and privileges of districts incorporated for school purposes only under the General Laws; providing for a board of trustees therefor, and declaring an emergency."

H. C. R. No. 25, relating to the semi-monthly report of the Department of Agriculture in Washington.

H. C. R. No. 38, relating to the disposition of remittances errone-

ously made to the Comptroller of Public Accounts during the months of April and May, 1923.

Respectfully submitted,

C. L. PHINNEY,  
Chief Clerk, House of Representatives.

#### Simple Resolution No. 60.

By Senator Pollard:

Whereas, Hon. W. D. Suiter, a former distinguished member of the Senate, is now within the Senate; therefore,

Be it Resolved, That he be invited to address the Senate.

POLLARD.

The resolution was read and adopted.

The Chair appointed Senators Pollard, Price and Strong to escort the former Senator to the President's stand and, after being introduced by Senator Pollard, addressed the Senate briefly.

#### House Bill No. 100.

Action recurred on the pending business, H. B. No. 100, the question being on the committee report, with a committee substitute bill.

Senator Pollard moved to table the committee report, which motion was lost, by the following vote:

Yeas—10.

Bledsoe.	Moore of Hunt.
Floyd.	Pollard.
Hardin of Erath.	Price.
Hardin of Kaufman	Smith.
Lewis.	Woodward.

Nays—15.

Bailey.	Russek.
Berkeley.	Strong.
Davis.	Stuart.
Holbrook.	Ward.
Moore of Cooke.	Wirtz.
Murphy.	Witt.
Parr.	Wood.
Real.	

Absent.

Parnell.	Reid.
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Absent—Excused.

Bowers.	Miller.
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(Pair Recorded.)

Senator Triplett (present), who would vote nay; with Senator Fairchild (absent), who would vote yea.

The committee report was then adopted.

Senator Stuart offered the following amendment to the bill:

Amend Committee Amendment No. 1 to H. B. No. 100 by striking out the words "seventy-five cents" in Section 4, page 969, as printed in the Journal, March 5, and inserting in lieu thereof the words "one dollar."

The amendment was read and lost.

Senator Floyd offered the following amendment:

Amend H. B. No. 100 by adding a new section to be known as Section 7a, to read as follows:

Section 7a. The Superintendent of Public Instruction is authorized, within his discretion, and by and with the approval of the State Board of Education, to grant to any school district within this State having a scholastic population of less than five hundred (500) scholastics, where the school building of such district shall have been, prior to September 1, 1924, or may hereafter be destroyed by fire, tornado or other act of God, a sum of money not to exceed \$10,000.00 for any such calamity above named, which sum is to be, and must be used for the purpose of building and equipping a schoolhouse or houses in such district; provided that such school district shall raise, by bond issues, donations or insurance collected of destroyed buildings or other lawful means, a cash sum of money equivalent to the sum given by the State, as provided herein; and such cash sum of money must be raised by the district before the State Superintendent shall pay over any money, as provided herein, and such money raised by the district must be used for the same purpose and in connection with the sum granted by the State, and provided further that no part of this section shall apply to any school district which does not have outstanding a bond issue or bond issues, requiring for the support of such bond issue or bond issues an annual tax of and at the rate of at least forty cents (\$.40) on the one hundred (\$100.00) dollars' valuation; and provided that the money expended under the provisions of this section shall be paid from the fund appropriated by this Act.

The amendment was read and, on motion of Senator Murphy, the same was tabled.

Senator Moore of Hunt offered the following amendment:

Amend amendment to H. B. No. 100, Section 9, page 970, by striking out the first ten times thereof and insert in lieu the following:

Section 9. Duties of the county superintendent of public instruction. It shall be the duty of the county superintendent of public instruction to go in person and make a thorough investigation, in person, of the grounds," and by striking out all of Section 9 after the word "Act" in line 13 on page 970 of Senate Journal.

The amendment was read and adopted.

Senator Moore of Hunt offered the following amendment:

Amend H. B. No. 100, page 969, Senate Journal, by striking out Section 5 and renumbering the succeeding sections.

The amendment was read and lost.

Senator Pollard offered the following amendment:

Amend H. B. No. 100, by striking out \$1,500,000 wherein it occurs and insert in lieu thereof \$3,000,000.

The amendment was read and lost.

Senator Wirtz offered the following amendment, which was read and adopted:

Amend committee amendment No. 1 to H. B. No. 100, Section 9, page 970, of the Senate Journal, second column, by striking out the last sentence of said section.

Senator Wirtz offered the following amendment, which was read and adopted:

Amend committee amendment No. 1 to H. B. No. 100, by striking out Section 12 and inserting in lieu thereof the following:

Section 12. "No part of the funds herein appropriated shall be used to pay salaries of teachers under contract for a greater salary than the average salary paid teachers of the same grade, and holding a like certificate in the other schools of like grade in the county."

Senator Wirtz offered the following amendment, which was read and lost:

Substitute the pending amendments to the committee amendment No. 1 to H. B. No. 100, by striking out the words and figures one and one-half million dollars (\$1,500,000) wherever they appear in the body and caption and in lieu thereof insert "one million dollars (\$1,000,000)."

The bill was read second time and passed to a third reading.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 100 put on its third reading and final passage, by the following vote:

## Yeas—25.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Davis.	Reid.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Parnell.	Woodward.
Parr.	

## Nays—2.

Murphy. Wirtz.

Absent.

Russek.

Absent—Excused.

Bowers. Miller.  
Fairchild.

H. B. No. 100 was laid before the Senate, read third time, and passed finally, by the following vote:

## Yeas—25.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Davis.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Parnell.	Woodward.
Parr.	

## Nays—3.

Murphy. Wirtz.

Reid.

Absent—Excused.

Bowers. Miller.  
Fairchild.

## Reason for Vote on H. B. No. 100.

Because I believe that the distribution of the school fund, according to the scholastic population, offers the

most just plan of distribution, and realizing that if the rural aid bill is passed carrying the present appropriation no appropriation can be made to supplement the available school fund, considering the present condition of State finances, I will vote against this bill. If it passes I will be compelled to vote against any appropriation to supplement the available school fund.

WIRTZ.

Free Conference Committee on  
S. B. No. 3.

Senator Wood moved that the Senate grant the request of the House for a further conference committee on S. B. No. 3.

The motion was adopted and the Chair appointed the following on part of the Senate: Senators Wood, Murphy, Bledsoe, Wirtz and Moore of Hunt.

## House Concurrent Resolution No. 25.

The Chair laid before the Senate, H. C. No. 25, relating to the semi-monthly report of the Department of Agriculture at Washington, D. C.

The resolution was read and adopted.

## House Bill No. 223.

The Chair laid before the Senate, as a special order, H. B. No. 223.

Senator Parnell moved that the consideration of the bill be postponed until tomorrow morning following the morning call and that it be made a special order.

The motion was adopted.

## Message from the House.

Hall of the House of Representatives,  
Austin, Texas, March 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 332, A bill to be entitled "An Act amending Chapter 19, Local and special Laws, passed by the Thirty-seventh Legislature at its First Called Session, as amended by Chapter 88, Local and Special Laws, passed by the Thirty-seventh Legislature at its Regular Session, creating the Canton Independent School District in Van Zandt County, Texas; defining its boundaries, providing for the extension thereof, including the present Canton Independent School District providing for a board of

trustees in said district, conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; providing that the outstanding bonded indebtedness of each school district included within the bounds of said district shall remain chargeable against the territory which voted the same; providing that the district as herein created may assume such outstanding bonded indebtedness; providing for the repeal of the laws in conflict herewith, and declaring an emergency."

H. B. No. 459, A bill to be entitled "An Act to amend an Act of the Second Called Session of the Thirty-eighth Legislature entitled 'Creating the Westover Independent School District,' Chapter 13, defining the boundaries of said district; giving the trustees thereof power to increase its areas, providing for the assumption of pro rata indebtedness annexed territory, and declaring an emergency."

The House refuses to concur in Senate amendments to H. B. No. 52, and requests the appointment of a Free Conference Committee to adjust the differences. The Speaker appoints the following on the part of the House: Barker, Storey, Bray, Dale, Graves.

H. B. No. 589, A bill to be entitled "An Act to create Frional Independent School District in Parmer County, Texas."

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk, House of Representatives.

#### House Bill No. 52.

Senator Murphy called up H. B. No. 52 and moved that the Senate grant the request of the House for a Free Conference Committee.

The motion was adopted.

The Chair appointed the following committee on part of the Senate: Senators Murphy, Moore of Cooke, Woodward, Wirtz and Wood.

#### Senate Bill No. 75.

The Chair laid before the Senate, on third reading,

S. B. No. 75, A bill to be entitled "An Act regulating and providing for a better election and primary election system in this State; pro-

viding for a preferential for first and second choice ballot in primaries; making provisions for necessary details or poll tax payments, voting and requirements incidental to suffrage and elections, and declaring an emergency."

Senator Bailey moved to indefinitely postpone the consideration of the bill, and

Senator Berkeley moved to table the motion, which motion to table was adopted by the following vote:

#### Yeas—16.

Berkeley.	Pollard.
Davis.	Price.
Hardin of Erath.	Reid.
Holbrook.	Smith.
Lewis.	Strong.
Moore of Hunt.	Stuart.
Moore of Cooke.	Triplett.
Murphy.	Witt.

#### Nays—10.

Bailey.	Russek.
Floyd.	Ward.
Hardin of Kaufman.	Wirtz.
Parnell.	Wood.
Parr.	Woodward.

#### Absent.

Bledsoe.	Real.
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#### Absent—Excused.

Bowers.	Miller.
Fairchild.	

The bill was read third time and passed finally, by the following vote:

#### Yeas—15.

Berkeley.	Parnell.
Davis.	Pollard.
Floyd.	Price.
Holbrook.	Reid.
Lewis.	Strong.
Moore of Hunt.	Triplett.
Moore of Cooke.	Witt.
Murphy.	

#### Nays—12.

Bailey.	Russek.
Bledsoe.	Stuart.
Hardin of Erath.	Ward.
Hardin of Kaufman.	Wirtz.
Parr.	Wood.
Real.	Woodward.

#### Absent.

Smith.



## Absent—Excused.

Bowers.  
Fairchild.

Miller.

## Senate Joint Resolution No. 5.

The Chair laid before the Senate, on third reading,

S. J. R. No. 5, A joint resolution "Amending a section of the Constitution of the State of Texas, as follows: 'Section 3 of Article 7, relating to taxation for free public school purposes and the distribution thereof, and providing free textbooks for certain scholastics'."

The resolution was laid on the table subject to call.

## Senate Bill No. 172.

The Chair laid before the Senate, on third reading,

S. B. No. 172, A bill to be entitled "An Act to provided the method of preparing statement of facts in all cases appealed or taken up on writ of error, and for the consideration of same by the appellate courts, and for the inclusion therein of bills of exception, and for the repeal of all laws or parts of laws in conflict with this Act."

The bill was read third time and passed finally.

## Senate Bill No. 350.

The Chair laid before the Senate, on third reading,

S. B. No. 350, A bill to be entitled "An Act granting power to the Railroad Commission of Texas to supervise and control the taking of natural gas from all gas wells in Texas; providing for rules and regulations for the exercise of said power; providing for the enforcement of the provisions here and any rule or regulation of said Railroad Commission made hereunder, and making this law cumulative of all laws regarding the supervision and control of natural gas in the State of Texas."

Senator Witt offered the following amendment, which was read and adopted by the necessary two-third vote:

Amend S. B. No. 350 by adding to Section 1, the following:

Provided, however, that the provisions of this Act shall not apply to the taking of casing head gas from producing oil wells and the sale of residue thereof.

The bill was read third time and passed finally.

## Senate Bill No. 290.

The Chair laid before the Senate, on third reading,

S. B. No. 290, A bill to be entitled "An Act to amend Section 2, Chapter 185 of the Acts of the Regular Session of the Thirty-eighth Legislature of the State of Texas, pertaining to the business of private banks so as to eliminate the retroactive feature of said Act, and declaring an emergency."

The bill was read third time and passed finally.

## House Bill No. 464.

Considered in lieu of S. B. No. 340, the same subject matter, and the Chair laid before the Senate, on second reading,

H. B. No. 464, A bill to be entitled "An Act to fix the compensation of county commissioners in counties of judicial districts comprised of two counties on January 1, 1925, having a total population with said districts of not less than thirty-five thousand nor more than forty-one thousand inhabitants according to the last United States Census, and which have an aggregate area of not less than 1890 square miles, according to the records of the General Land Office of Texas, and declaring an emergency."

The Senate rule requiring committee reports to lay over for one day was suspended.

The Committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Parnell, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 464 put on its third reading and final passage, by the following vote:

Yeas—24.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Davis.	Price.
Floyd.	Reid.
Hardin of Erath.	Russek.
Hardin of Kaufman.	Strong.
Holbrook.	Stuart.
Lewis.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.

## Absent.

Real. Triplett.  
Smith. Ward.

Absent—Excused.

Bowers. Miller.  
Fairchild.

H. B. No. 464 was laid before the Senate, read third time, and passed finally.

Yeas—21.

Bailey.	Parnell.
Berkeley.	Pollard.
Bledsoe.	Price.
Davis.	Real.
Hardin of Erath.	Russek.
Hardin of Kaufman.	Stuart.
Holbrook.	Wirtz.
Lewis.	Witt.
Moore of Hunt.	Wood.
Moore of Cooke.	Woodward.
Murphy.	

Nays—1.

Strong.

Absent.

Floyd. Smith.  
Parr. Triplett.  
Reid. Ward.

Absent—Excused.

Bowers. Miller.  
Fairchild.

## Senate Bill No. 410.

The Chair laid before the Senate, on third reading,

S. B. No. 410, A bill to be entitled "An Act extending the term of office of the Educational Survey Commission, created by Act of the Thirty-eighth Legislature; to provide for the completion of the work of the said commission, including the preparation of a report embodying therein bills and resolutions for presentation to the Legislature; prescribing the powers and duties of the said commission; providing for filling vacancies in the commission; making an appropriation, and declaring an emergency."

The bill was read third time and passed finally.

## Senate Bill No. 350.

The Chair laid before the Senate, on second reading,

S. B. No. 350, which was laid on the table, subject to call.

## Senate Bill No. 382.

The Chair laid before the Senate, on second reading,

S. B. No. 382, A bill to be entitled "An Act to provide for the printing, sale and distribution of the Revised Civil Statutes of 1925, the Penal Code and Code of Criminal Procedure of 1925, as passed at the Regular Session of the Thirty-ninth Legislature; providing that all officers in Texas who have taken out their commission shall be entitled to a copy of said Revised Civil Statutes, Penal Code and Code of Criminal Procedure for the use and benefit of their respective office; providing that each Senator and Representative in the Legislature of the State of Texas shall be entitled to a copy each of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure; providing that the State Board of Control shall have printed at the expense of the State ten thousand copies of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure, to be bound in law sheep and to be sold at actual cost to the State, and declaring an emergency."

The committee report, providing that the bill be not printed, and with amendments, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 382 put on its third reading and final passage, by the following vote:

Yeas—27.

Bailey.	Price.
Berkeley.	Real.
Bledsoe.	Reid.
Davis.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman.	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Murphy.	Witt.
Parnell.	Wood.
Parr.	Woodward.
Pollard.	

Absent.

Floyd.

Absent—Excused.

Bowers. Miller.  
Fairchild.

S. B. No. 382 was laid before the Senate, read third time, and passed finally, by the following vote:

Yeas—28.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Davis.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Murphy.	Witt.
Parnell.	Wood.
Parr.	Woodward.

Absent—Excused.

Bowers.	Miller.
Fairchild.	

#### Senate Bill No. 446.

On motion of Senator Reid, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 446 put on its second reading, by the following vote:

Yeas—28.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Davis.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Murphy.	Witt.
Parnell.	Wood.
Parr.	Woodward.

Absent—Excused.

Bowers.	Miller.
Fairchild.	

The Chair laid before the Senate, on second reading,

S. B. No. 446, A bill to be entitled "An Act consolidating Common School Districts Nos. 2 and 7 of Potter County, Texas, into Potter Consolidated Common School District No. 2; providing for an election of trustees; defining the powers of the district and of the trustees; defining the powers of the county board of school trustees with reference to the

boundary lines of this district; providing for an election to determine whether the consolidated district shall assume the outstanding bonds of component District No. 2, and declaring an emergency."

The Senate rule requiring committee reports to lay over for one day was suspended.

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Reid, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 446 put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Davis.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Murphy.	Witt.
Parnell.	Wood.
Parr.	Woodward.

Absent—Excused.

Bowers.	Miller.
Fairchild.	

S. B. No. 446 was laid before the Senate, read third time, and passed finally, by the following vote:

Yeas—28.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Davis.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Murphy.	Witt.
Parnell.	Wood.
Parr.	Woodward.

Absent—Excused.

Bowers.	Miller.
Fairchild.	

**Senate Bill No. 304.**

S. B. No. 304 was laid on the table, subject to call, on motion of Senator Holbrook.

**Senate Bill No. 297.**

The Chair laid before the Senate, on second reading,

S. B. No. 297, A bill to be entitled "An Act allowing corporations to issue preferred stock, and also providing that such stock may take preference over common stock theretofore or thereafter issued, and further providing that such preference shall not exist as to common stock issued prior to the passage of this Act without the consent given in writing of the holder of that stock, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

**Senate Bill No. 303.**

The Chair laid before the Senate, on second reading,

S. B. No. 303, A bill to be entitled "An Act to provide that owners of public free school land heretofore purchased from the State of Texas, which land may hereafter be forfeited for non-payment of interest as now provided by law, provided said forfeiture was caused by reason of interest accrued or accruing prior to the taking effect of this Act, shall have the right to repurchase said lands or any part thereof at the re-appraised value thereof under the law now governing such sales, and leaving any lien and valid contractual right existing in and to be land so repurchased unimpaired and providing for a revaluation of such land by the Commissioner of the General Land Office as may be desired to be repurchased under this Act, and declaring an emergency."

The bill was read second time, and Senator Berkeley offered the following amendment:

Amend S. B. No. 303, by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. In case any of the public free school lands that have been heretofore purchased from the State have been heretofore forfeited for non-payment of interest and have not been resold, and that which may hereafter

be forfeited for the non-payment of interest that may have accrued prior to November 1, 1925, the owner of such land at the date of forfeiture shall have the right for a period of ninety days after the date in the notice of revaluation of his land as herein provided, to repurchase upon the terms and conditions prescribed in this Act, any and all of the land in whole tracts according to the forfeiture.

Sec. 2. When any of the land included in the preceding section has been forefited for the non-payment of interest, the Commissioner of the General Land Office shall forward such list of land to the proper county clerk and include therein such land as may have heretofore been forfeited and remains unsold and within sixty days after the date the list was forwarded to the clerk the owner mentioned in the preceding section who may desire to repurchase such land in whole tracts according to the forfeiture shall advise the Commissioner of the General Land Office of such desire, and transmit with such advice one cent per acre for each acre such person desires revalued. As soon as practicable, after the receipt of such advice by the commissioner he shall proceed to ascertain the reasonable value of such land and appraise the same accordingly and shall prepare duplicate notices of the appraisement and send one to each of the forfeiting owners and retain one for the General Land Office. If such forfeiting owner desires to repurchase the land at the appraised value placed thereon, he shall file his application therefor in the General Land Office within ninety days after the date in the notice of appraisement, together with one-fortieth of the appraised value and his obligation for the remaining portion of the purchase price, bearing the same rate of interest per annum as the forfeited purchase bore. The said one-fortieth cash payment shall conform to the requirements now prescribed for the first payment on all applications for the purchase of public free school lands. The one cent per acre received by the Commissioner of the General Land Office, or so much thereof as may be necessary, shall be used by him to defray the expenses incident to the revaluation and the remainder, if any, shall be by him deposited in the State Treasury to the credit of the general revenue.

Sec. 3. If the owner at the date of forfeiture shall not exercise his right to repurchase, the commissioner shall again place the land on the market for sale as is now or may hereafter be provided for the sale of public free school lands. All repurchase under this Act shall be subject to the obligation of interest payments and forfeiture for non-payment of interest that is now provided by law for other purchasers of public free school lands. One-sixteenth of the oil and gas, and all other minerals, in the land included herein, whether known or unknown, are expressly reserved to the Public Free School Fund, in the event the former sale was with mineral reservations.

Sec. 4. Whenever any land affected by this Act is repurchased under the rights of repurchase given herein, any lien, legal or equitable, and any valid contractual right in favor of any person or persons existing against, in and to said land or any part thereof at the time of forfeiture shall remain unimpaired and in full force and effect as if no such forfeiture had occurred.

Sec. 5. The fact that on account of several consecutive years of drouth in that portion of the State in which most of the public lands are located, and the further fact that on account of the demoralized condition of the cattle business, a great number of purchasers of said lands have been financially unable to pay the interest due on said lands for a number of years, and that said lands are therefore now subject to forfeiture for the non-payment of interest, and said forfeiture would work a great loss to the available school fund, creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three separate days shall be suspended and that this bill be placed upon its third reading and final passage and take effect from and after its passage, and it so enacted.

Senator Berkeley offered the following amendment:

Amend S. B. No. 303, by striking out all above the enacting clause and inserting in lieu thereof the following:

By Berkeley. S. B. No. 303.

#### A BILL

#### To Be Entitled

An Act to provide that owners of public free school land, that has

heretofore been forfeited, and remaining unsold, and that which may hereafter be forfeited for non-payment of interest accrued prior to November 1, 1925, shall have a right to repurchase same at the price fixed upon a revaluation thereof by the Commissioner of the General Land Office; providing that those desiring to repurchase shall pay an acreage fee for the expense of said revaluation and the remainder, if any, to be deposited in the State Treasury to the credit of the General Revenue; providing for the protection of contractual obligations, forfeiture for non-payment of interest, reservation of minerals, and declaring an emergency.

Senator Pollard moved that the amendments be printed in the Journal and that the bill be made a special order for tomorrow following the conclusion of the other special orders.

The motion was adopted.

#### Senate Bill No. 401.

The Chair laid before the Senate, on second reading,

S. B. No. 401, A bill to be entitled "An Act conferring upon counties the right of eminent domain, where land, right of way or easements are necessary to be secured for the construction of jails, courthouses, hospitals, delinquent and dependent schools, poor farms, libraries or for other public purposes, and providing for the institution of such proceedings in the name of the county, and that the assessing of damages shall be in conformity to the statutes of the State of Texas for condemning and acquiring right of way by railroads, and providing that no appeal shall cause suspension of work, and that counties shall not be required to give appeal bond or bond for costs, and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill No. 255.

The Chair laid before the Senate, on second reading,

S. B. No. 255, A bill to be entitled "An Act to amend Section 1 of House Bill No. 535, Chapter 155, of the General Laws of the State of Texas, passed by the Thirty-eighth Legislature at its Regular Session; fixing the rate of speed for motor vehicles

upon the public highways of the State, and within the corporate limits of any of the incorporated cities or towns, and within the boundaries of towns and villages not incorporated; prescribing penalties for violations of this Act; repealing all laws or parts of laws in conflict with its provisions, and declaring an emergency."

The Committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

#### Senate Bill No. 298.

The Chair laid before the Senate, on second reading,

S. B. No. 298, A bill to be entitled "An Act providing for the employment of teachers who have been engaged ten years in teaching a special subject, without requiring that they have a certificate, and declaring an emergency."

The bill was read second time and passed to engrossment.

#### House Bills on First Readings.

The following House bills were laid before the Senate, read severally first time, and referred to appropriate committees:

H. B. No. 532, referred to Committee on Mining and Irrigation.

H. B. No. 576, referred to Committee on Highways and Motor Traffic.

H. B. No. 504, referred to Committee on Educational Affairs.

H. B. No. 516, referred to Committee on Educational Affairs.

H. B. No. 517, referred to Committee on Educational Affairs.

H. B. No. 332, referred to Committee on Educational Affairs.

H. B. No. 459, referred to Committee on Educational Affairs.

H. B. No. 589, referred to Committee on Educational Affairs.

H. C. R. No. 38, referred to Committee on State Affairs.

#### Bills and Resolution.

(By Unanimous Consent.)

By Senator Reid:

S. B. No. 446, A bill to be entitled "An Act consolidating Common School Districts Nos. 2 and 7 of Potter County, Texas, into Potter County Consolidated Common School District No. 2; providing for an election of trustees; defining the powers

of the district and of the trustees; defining the powers of the county board of school trustees with reference to the boundary lines of this district; providing for an election to determine whether the consolidated district shall assume the outstanding bonds of component District No. 2, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Bailey:

S. B. No. 447, A bill to be entitled "An Act providing for better and more efficient road construction and maintenance in DeWitt County, Texas, being a local or special road law for said county, providing penalties for the violation of any of the provisions of this Act, and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

By Senators Berkeley, Moore of Hunt:

S. B. No. 448, A bill to be entitled "An Act making an appropriation to the Board of Water Engineers of the funds which the United States government shall turn over to the State of Texas to reimburse the State for expense of hydrographic surveys on the Rio Grande for the International Boundary Commission, to be used for stream measurement purposes, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Pollard:

S. B. No. 449, A bill to be entitled "An Act to create a more efficient road system for Wood County; making the county commissioners ex-officio road supervisors for their respective precincts in said county; defining their powers and duties as such supervisors; providing for their compensation as such; providing for the working of hands on public roads who fail to pay the road tax provided for herein; providing that no hands shall be apportioned to work on any highway maintained by the State of Texas; providing that hands subject to road duty may be apportioned to roads in the precinct of their residence, other than the public road nearest to them; providing for the working of county convicts upon the public roads; providing for notice; providing for the collection and disbursement of certain moneys and

the payment of fees for services rendered in connection herewith by certain county officials; prohibiting the use of any of the property belonging to Wood County, to be used in its road work, for any private purpose, and fixing penalties for violation of this Act and penalties for the enforcement of the provisions of this Act; providing that if any provision of this Act shall be declared unconstitutional, that the remainder of said Act shall still remain in force and effect; declaring the provisions of this Act cumulative of all General Laws of the State of Texas upon this subject, and for the repeal of all special road laws heretofore enacted for Wood County, and parts thereof, when in conflict with any of the provisions of this Act, and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

#### Bills Signed.

The Chair, Lieutenant Governor Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolution:

H. B. No. 413.  
H. B. No. 414.  
H. B. No. 246.  
H. B. No. 570.  
H. B. No. 572.  
H. B. No. 309.  
H. B. No. 158.  
H. B. No. 433.  
S. B. No. 241.  
S. B. No. 320.  
S. B. No. 232.  
S. B. No. 190.  
S. B. No. 119.  
S. B. No. 17.  
S. B. No. 238.  
H. C. R. No. 36.

#### Recess.

Senator, Wirtz, at 6:35 o'clock p. m., moved that the Senate recess until 7:30 o'clock tonight.

The motion was adopted by the following vote:

#### Yeas—14.

Bailey.	Real.
Bledsoe.	Russek.
Davis.	Strong.
Lewis.	Stuart.
Moore of Cooke.	Triplett.
Murphy.	Ward.
Parr.	Wirtz.

#### Nays—10.

Berkeley.	Pollard.
Hardin of Erath.	Price.
Hardin of Kaufman.	Reid.
Holbrook.	Smith.
Moore of Hunt.	Wood.

#### Absent.

Floyd.	Witt.
Parnell.	Woodward.

#### Absent—Excused.

Bowers.	Miller.
Fairchild.	

#### After Recess.

The Senate was called to order by Lieutenant Governor Miller.

#### In Committee of the Whole.

The Senate resolved into a Committee of the Whole to resume the hearing of the Penitentiary Investigating Committee, with Senator Wirtz presiding.

#### In the Senate.

The Senate convened as a Senate at 10 o'clock p. m. and Chairman Wirtz of the Committee of the Whole, reported to the Senate that the Committee had made progress with the hearing.

#### Adjournment.

On motion of Senator Wirtz, the Senate adjourned until 10 tomorrow morning.

#### APPENDIX.

##### Memorial.

The Chair had the following read and directed that the same be printed in the Journal:

##### STATE OF NEVADA.

##### Senate Joint Resolution No. 6.

Introduced by Senator Scott,  
February 4, 1925.

Passed by Both Houses of the  
Nevada Legislature.

##### SENATE JOINT RESOLUTION

Making application to the Congress of the United States to call a convention for proposing an amendment to Article 18 of the amend-

ments to the Constitution of the United States.

Whereas, both by popular vote and legislative action, the people of the State of Nevada are on record as favoring prohibition; and

Whereas, experience has demonstrated that the attempt to abolish recognized abuses of the liquor traffic by the radical means of constitutional prohibition has generally failed of its purpose; and

Whereas, the Congress is now powerless to enact a law upon the subject, except under such constitutional limitations as to make its remedial value extremely doubtful; and

Whereas, the Constitution of the United States requires the Congress to call a constitutional convention upon application of the Legislature of two-thirds of the States; now, therefore,

Be It Resolved by the Senate and Assembly of the State of Nevada, That the Legislature of the State of Nevada make, and that said Legislature hereby does make, application to the Congress of the United States to call a convention for proposing an amendment to Article 18 of the amendments to the Constitution of the United States, and that the Congress propose the method of ratification thereof.

Be it further resolved that copies of this resolution, duly authenticated, be transmitted, without delay, by the Secretary of State of Nevada to the Congress of the United States, and also to the Legislatures of the several States.

#### Committee Reports.

Committee Room.

Austin, Texas, March 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 447, A bill to be entitled "An Act providing for better and more efficient road construction and maintenance in DeWitt County, Texas, being a local or special road law for said county; providing penalties for the violation of any of the provisions of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room.

Austin, Texas, March 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 445, A bill to be entitled "An Act creating and incorporating the Bullard Independent School District lying in the counties of Smith and Cherokee in the State of Texas, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room.

Austin, Texas, March 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 434, A bill to be entitled "An Act to aid in protection of the property and lives of citizens in a part of Brazoria County, from further disastrous and calamitous overflows and conserving and increasing the harbor facilities at the mouth of the Brazos River in Brazoria County, Texas, and to prevent the repeated shoaling of the waters on the bar of the harbor at the mouth of said river caused by deposit of silt from the flood waters of the Brazos River in the channel of said river and in the Gulf of Mexico, and for the purpose of assisting in the prevention of future overflowing of said river, by granting and donating the said portion of Brazoria County for a term of 25 years or so much thereof as may be necessary a portion of the State ad valorem tax levied and collected on property subject to taxation in such portion of Brazoria County, to be used in making part payment of the interest and sinking fund of bonds to be used by said county, to provide for the construction of the necessary breakwaters, levees, dikes, floodways and diversions and providing for the diversion of the channel of said Brazos River near its mouth, and providing for the administration of this Act."

Have had the same under consideration, and I am instructed to re-



port the same back to the Senate with the recommendation that it do pass, and be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, March 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 486, A bill to be entitled "An Act creating and incorporating the Willow Wells Independent School District, in Terry County, out of territory now composing Willow Wells Common School District No. 14 in said county as heretofore created, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, March 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 520, A bill to be entitled "An Act to create the Plymouth Independent School District in Collingsworth County, Texas, including therein the present Plymouth Independent School District No. 17 of Collingsworth County, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, March 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 522, A bill to be entitled "An Act to create the Bluff Dale Independent School District in Erath County, Texas, including therein the present Bluff Dale Independent District No. 8 of Erath County, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, March 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 552, A bill to be entitled "An Act creating and incorporating the Happy Independent School District in Terry County, Texas, out of territory now composing Happy Common School District No. 11, in said county, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, March 7, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 509, A bill to be entitled "An Act to create the Common County Line School District No. 9 in Scurry, Borden and Mitchell Counties, Texas, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, March 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 554, A bill to be entitled "An Act creating Plemons Independent School District in Hutchinson County, Texas, defining its boundaries, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, March 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to who was referred

S. B. No. 446, A bill to be entitled "An Act consolidating Common School Districts Nos. 2 and 7 of Potter

County, Texas, into Potter County Consolidated Common School District No. 2, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, March 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 423, A bill to be entitled "An Act to amend Article 3903 of the Revised Civil Statutes of the State of Texas, for 1911, as amended by the Thirty-third Legislature at its Regular Session, Chapter 121 and Chapter 142 of the General Laws, as amended by Chapter 55 of the General Laws of the Regular Session of the Thirty-fifth Legislature, and as amended by Chapter 32 of the General Laws of the Third Called Session of the Thirty-sixth Legislature, as amended by Chapter 96 of the General Laws of the Regular Session of the Thirty-seventh Legislature, authorizing county attorneys and district attorneys in counties having a population in excess of one hundred thousand inhabitants, where there is also a district attorney, to appoint deputies, or assistants, by adding Section 3903a, providing that counties composing one judicial district, and the population being between thirty-seven thousand five hundred, and one hundred thousand, and the county attorney performs the duties of the county attorney and the district attorney."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, March 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, Your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 532, A bill to be entitled "An Act to authorize water improvement districts or conservation and reclamation districts which or may be operating under contract with the United States Government or any department thereof, to acquire, con-

struct, operate, lease or otherwise control, use or employ steam and water power facilities and plants for the generation, distribution and supply of electrical energy; giving them authority to incur indebtedness for the accomplishment of such purposes and authorizing the issuance of bonds therefor, subject to the regulations, terms, conditions and provisions of Chapter 87, General Laws, Thirty-fifth Legislature, Regular Session, relating to issuance and sale of bonds, and of the Acts amendatory thereof and supplementary thereto; authorizing such districts to contract with districts organized under the laws of other states; authorizing the joint acquisition, operation and control of such plants and facilities by such districts; authorizing contracts between said districts to accomplish the purposes authorized by this Act; requiring ratification of such contracts by the legally qualified voters of such district, and prescribing the method of entering into such contracts; authorizing such districts to sell or lease power to municipal and other corporations, firms or individuals; authorizing the establishment of a joint office for two or more such districts and the employment of a general manager, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed, being the same as S. B. No. 355.

BLEDSON, Chairman.

Committee Room,

Austin, Texas, March 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 449, A bill to be entitled "An Act to create a more efficient road system for Wood County; making the county commissioners ex-officio road supervisors for their respective precincts in said county; defining their powers and duties as such supervisors; providing for their compensation as such; providing for the working of hands on public roads who fail to pay road tax provided for herein; providing that no hands shall be apportioned to work on any highway maintained by the State of Texas; providing that hands subject to road duty may be apportioned to roads in the precinct of their resi-

dence, others than public road nearest to them; providing for the working of county convicts upon the public roads; providing for notice to be served upon hands subject to road duty, and penalty for violating such notice; providing for the collection and disbursement of certain moneys and the payment of fees for services rewarded in connection herewith by certain county officials; prohibiting the use of any of the property belonging to Wood County, to be used in its road work, for any private purpose, and fixing penalties for violation of this Act; and penalties for the enforcement of the provisions of this Act; providing that if any provision of this Act shall be declared unconstitutional, that the remainder of said Act shall still remain in force and effect; declaring the provisions of this Act cumulative of all General Laws of the State of Texas upon this subject, and for the repeal of all special road laws heretofore enacted for Wood County, and parts hereof, when in conflict with any of the provisions of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 464, A bill to be entitled "An Act fixing the compensation of county commissioners in counties of judicial districts comprised of two counties on January 1, 1925, having a total population within said districts of not less than thirty-five thousand nor more than forty-one thousand inhabitants according to the last United States census, and which have an aggregate area of not less than 1890 square miles, according to the records of the General Land Office of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, March 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 410 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, March 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 211 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, March 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 44 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, March 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 66 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, March 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 177 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, March 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 228 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, March 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 287 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, March 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 290 carefully examined and compared, and find same correctly engrossed.  
STRONG, Chairman.

Committee Room,  
Austin, Texas, March 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 296 carefully examined and compared, and find same correctly engrossed.  
STRONG, Chairman.

Committee Room,  
Austin, Texas, March 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 351 carefully examined and compared, and find same correctly engrossed.  
STRONG, Chairman.

Committee Room,  
Austin, Texas, March 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 5 carefully examined and compared, and find same correctly engrossed.  
STRONG, Chairman.

Committee Room,  
Austin, Texas, March 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 230 carefully examined and compared, and find same correctly engrossed.  
STRONG, Chairman.

Committee Room,  
Austin, Texas, March 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 340 carefully examined and compared, and find same correctly engrossed.  
STRONG, Chairman.

Committee Room,  
Austin, Texas, March 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on enrolled bills, have had S. B. No. 320 carefully examined and compared,

and find same correctly enrolled, and have this day at 11 o'clock presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on enrolled bills, have had S. B. No. 17 carefully examined and compared, and find same correctly enrolled, and have this day at 11 o'clock presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on enrolled bills have had S. B. No. 119 carefully examined and compared, and find same correctly enrolled, and have this day at 11 o'clock presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on enrolled bills, have had S. B. No. 190 carefully examined and compared, and find same correctly enrolled, and have this day at 11 o'clock presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on enrolled bills, have had S. B. No. 241 carefully examined and compared, and find same correctly enrolled, and have this day at 11 o'clock presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 9, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on enrolled bills, have had S. B. No. 232 carefully examined and compared, and find same correctly enrolled.

and have this day at 11 o'clock presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,

Austin, Texas, March 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on enrolled bills, have had S. B. No. 238 carefully examined and compared, and find same correctly enrolled, and have this day at 11 o'clock presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,

Austin, Texas, March 7, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on enrolled bills, have had S. B. No. 270 carefully examined and compared, and find same correctly enrolled, and have this day at 4:35 o'clock presented same to the Governor for her approval.

FLOYD, Chairman.

#### Bills Ordered Printed in Journal.

Committee Room,

Austin, Texas, March 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on City, Towns and Corporations, to whom was referred

S. B. No. 364.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Stuart, Chairman.

Committee Room,

Austin, Texas, March 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 245.

Have had the same under consideration, and I am instructed to report the same back to the Senate, with the recommendation that it do pass.

WITT, Chairman.

Committee Room,

Austin, Texas, March 9, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Town and City Corporations, to whom was referred

S. B. No. 444,

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

#### FORTY-THIRD DAY.

Senate Chamber,

Austin, Texas,

Tuesday, March 10, 1925.

The Senate met at 10 o'clock a m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

Absent—Excused.

Miller.

Prayer by Dr. Owers.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Ward.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, March 10, 1925.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 162, A bill to be entitled "An Act to repeal Article 2753 of the Revised Civil Statutes of 1911, pertaining to the organization and holding of county and district institutes for teachers, and declaring an emergency."

Respectfully submitted,

C. L. PHINNEY,  
Chief Clerk of House Representatives.